

BORA LASKIN LAW LIBRARY



3 1761 03870 3575

**MATERIALS FOR PROPERTY**

**1994 - 95**

**VOLUME I**

**Professor R.E. Scane**

Storage on  
Recycled Paper

KF  
560  
S3  
1994  
v.1

KF  
560  
53  
1994  
v.1

BORA LASKIN LAW LIBRARY

AUG 30 1994

FACULTY OF LAW  
UNIVERSITY OF TORONTO

**MATERIALS FOR PROPERTY**


**1994 - 95**

**VOLUME I**

**Professor R.E. Scane**



**Printed on  
Recycled Paper**



Digitized by the Internet Archive  
in 2018 with funding from  
University of Toronto

<https://archive.org/details/materialsforprop01scan>

## TABLE OF CONTENTS

	Page
<b>PART 1 - SOME FUNDAMENTAL ELEMENTS OF THE LAW OF PERSONAL PROPERTY</b>	
<b>Section 1: Introduction to the Concept of Possession</b>	
Pierson v. Post	A-1
State of Ohio v. Shaw	A-5
Eads v. Brazelton	A-8
"The Tubantia"	A-12
Keron v. Cashman	A-21
<b>Section 2: "Finders Keepers"</b>	
Armory v. Delamirie	A-23
Bird v. Ft. Frances	A-24
Grafstein v. Holme and Freeman	A-28
Parker v. British Airways Board	A-38
Moffat and Another v. Kazana	A-51
<b>Section 3: Transfer of Rights in Tangible Personal Property - The Inter Vivos Gift</b>	
Cochrane v. Moore	A-56
Nesbitt v. Chester et al.	A-63
Thomas v. Times Book Co. Ltd.	A-68
Re Cole	A-74
<b>PART II - PROPERTY RIGHTS IN LAND</b>	
<b>Section 1: Introduction</b>	
NOTE re The Doctrine of Tenure	B-1
"Statute of Quia Emptores"	B-7
Corporations Act, s.322	B-8
Business Corporations Act, s.244	B-8
Succession Law Reform Act, s.47(7)	B-9
Conveyancing and Law of Property Act, s.5	B-9
Succession Law Reform Act, s.26	B-9
Re Essex County Roman Catholic Separate School Board and Antaya	B-10
Conveyancing and Law of Property Act, s.4	B-15

NOTE re The Estate in Fee Tail	B-16
NOTE re Life Estates	B-18
NOTE re Competition Between Interests	B-19
NOTE re Aboriginal, or Native Title	B-26

## **Section 2: Rights Inherent in the Ownership of Land**

Bernstein of Leigh (Baron) v. Skyviews and General Ltd.	C-1
Kingsbridge Development Inc. v. Hanson Needler Corp.	C-7
Gallant v. F.W. Woolworth Co. Ltd.	C-10
Petrofina Can. Ltd. v. Moneta Porcupine Mines Ltd.	C-16
Pugliese v. National Capital Commission et al. (Ont. C.A.)	C-21
NOTE re Stephens v. Anglian Water Authority	C-42
Home Brewery Co. Ltd. v. William Davis & Co.	C-43
Berry v. Trinidad Leaseholds (Can.) Ltd.	C-54

## **Section 3: Easements**

In Re Ellenborough Park	D-1
Shelf Holdings Ltd. v. Husky Oil Operations Ltd. (Alta. Q.B.)	D-17
Shelf Holdings Ltd. v. Husky Oil Operations Ltd. (Alta. C.A.)	D-26
Laurie v. Winch	D-34
Jengle v. Keetch	D-41
Malden Farms v. Nicholson	D-46
White v. Richards	D-51
Woodhouse & Co. Ltd. v. Kirkland (Derby) Ltd.	D-63
Wheeldon v. Burrows	D-66
Re Webb's Lease. Sandom v. Webb	D-68
Wong v. Beaumont Property Trust Ltd.	D-77
Barton v. Raine et al.	D-82
Conveyancing and Law of Property Act, s.15	D-89
Law of Property Act, 1925, s.62 (U.K.)	D-90
Borman v. Griffith	D-91
Floyd et al. v. Heska	D-94